UNITED STATES PATENT AND TRADEMARK OFFICE

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NETWORK APPLIANCE/BLAKELY
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EXAMINER
NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
2154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/692,477	GOLE ET AL.
	Examiner	Art Unit	
	Dustin Nguyen	2154	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _24 October 2003_.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-26_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-26_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _24 October 2003_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1 – 26 are presented for examination.

Drawings

2.   New corrected drawings in compliance with 37 CFR 1.121(d) are required in this

application because unclear labels. Applicant is advised to employ the services of a competent

patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer

prepares new drawings. The corrected drawings are required in reply to the Office action to

avoid abandonment of the application. The requirement for corrected drawings will not be held

in abeyance.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

4.   Claims 1-7, 9 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

> A.   The following terms lack antecedent basis:
>
> I.   the first protocol   -   claim 9

II.   the second protocol   -   claim 9

III.   the network node   -   claim 22

B.   The claim language in the following claims is not clearly understood:

I.   As per claim 1, the limitation of "the network address" is being considered

as indefinite because it is not clear explained whether it refers to the

network or the address.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-4, 7-11, 14, 19-21, 23 and 25 are rejected under 35 U.S.C. 102(e) as being

anticipated by Foster et al. [US Patent No 7,042,877].

7.   As per claim 1, Foster discloses the invention as claimed including a method comprising:

receiving a request for a connection over a network to an address [i.e. receive incoming

data communication] [405, Figure 4; col 4, lines 29-44; and col 17, lines 57-59], wherein the

network conforms to a first network protocol, and the address conforms to a second network

protocol [i.e. incoming Ethernet-encoded data frame and outgoing Fibre channel-encoded data

frame] [Figures 2A and 2B; col 10, lines 32-45; and col 14, lines 37-57];

comparing a field to the network address [i.e. map virtual identifiers to its destinations] [

col 10, lines 5-31; and col 12, lines 58-col 13, lines 16]; and

establishing the connection to a network node corresponding to the field if the field

matches the network address [i.e. determine an appropriate destination to which corresponding

data frame will be forwarded] [Abstract; col 10, lines 17-24; and col 12, lines 58-67].

8.   As per claim 2, Foster discloses wherein the receiving a request comprises requesting a

connection over a Fibre Channel (FC) network using an Internet Protocol (IP) network address [

Figure 2B; and col 10, lines 32-45].

9.   As per claim 3, Foster discloses wherein the comparing comprises:

querying a name server to retrieve the field [i.e. register with network manager and

receive an virtual identifier from network manager] [357, Figure 3A; col 5, lines 51-57; and col

15, lines 25-45]; and

comparing a node name subfield of the field to the address [col 9, lines 50-col 10, lines

10].

10.   As per claim 4, Foster discloses wherein the network node comprises a filer [105, Figure

1; 355, 365, Figure 3A; col 2, lines 41-65; and col 14, lines 7-16].

11.   As per claim 7, Foster discloses wherein establishing the connection comprises establishing a Virtual Interface (VI) [col 5, lines 32-50].

12.   As per claims 8 and 9, they are rejected for similar reasons as stated above in claims 1-3.

13.   As per claim 10, Foster discloses wherein the first network node comprises a source storage server, and the second network node comprises a destination storage server [105, Figure 1; 355, 365, Figure 3A; col 2, lines 41-65; and col 14, lines 7-16].

14.   As per claim 11, it is rejected for similar reasons as stated above in claims 5 and 10.

15.   As per claim 14, it is rejected for similar reasons as stated above in claim 3.

16.   As per claims 19 and 21, they are rejected for similar reasons as stated above in claims 1-3.

17.   As per claim 20, it is rejected for similar reasons as stated above in claim 7.

18.   As per claim 23, Foster discloses the invention as claimed including a method comprising:

        receiving a Transmission Control Protocol/Internet Protocol (TCP/IP) packet [i.e. incoming Ethernet-encoded frame] [Figures 2A; Abstract; and col 10, lines 32-36];

determining a destination over a Fibre Channel (FC) network for the TCP/IP packet [i.e.

outgoing Fibre Channel-encoded frame] [Figure 2B; and col 10, lines 35-45];

determining if there is an open Virtual Interface (VI) to the destination, and establishing

the VI if none is open [i.e. map virtual identifier] [col 10, lines 5-31]; and

transmitting the TCP/IP packet over the VI [i.e. determine an appropriate destination to

which corresponding data frame will be forwarded] [Abstract; col 10, lines 17-24; and col 12,

lines 58-67].

19.   As per claim 25, Foster discloses disguising the TCP/IP packet from the FC network [i.e.

encapsulate TCP/IP packet in Fibre channel packet] [Figure 2B; and col 10, lines 35-45].

Claim Rejections - 35 USC § 103

20.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

21.   Claims 5, 6, 12, 13, 15-18 and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Foster et al. [US Patent No 7,042,877], in view of Olson et al. [US Patent No

7,127,633].

22.   As per claim 5, Foster discloses wherein the node name subfield includes a first and a

second portion, and wherein the first portion corresponds to a destination filer [col 10, lines 13-

31]. Foster does not specifically disclose the second portion corresponds to a failover filer.

Olson discloses the second portion corresponds to a failover filer [i.e. failover or backup table] [

Figures 8A-8C; Abstract; and col 19, lines 46-65]. It would have been obvious to a person skill

in the art at the time the invention was made to combine the teaching of Foster and Olson

because the teaching of Olson would provide fault-tolerance and fail-over operation in a manner

which benefits performance, is simple to implement, costs less than specially designed redundant

processor system and is easily extensible [Olson, col 3, lines 47-54].

23.   As per claim 6, Olson discloses comprising: transferring the address to the failover filer if

the destination filer is down [col 13, lines 8-28; and col 19, lines 46-65].

24.   As per claims 12 and 13, they are rejected for similar reasons as stated above in claims 5

and 6. Furthermore, Olson discloses the network searches for a second field [i.e. table] [col 7,

lines 9-29].

25.   As per claims 15 and 16, they are rejected for similar reasons as stated above in claims 1,

3, 5 and 6.

26.   As per claim 17, it is rejected for similar reasons as stated above in claim 2.

27.   As per claim 18, Foster discloses receiving a request from a first filer to access a second

filer using an IP address over an FC network [Figures 2B and 3A; and col 10, lines 32-45].

28.   As per claim 22, it is rejected for similar reasons as stated above in claims 5 and 6.

Furthermore, Olson discloses storing the IP address in the first portion, and a failover IP address

in the second portion [Figures 8A-8C; and col 19, lines 46-65] and establishing a connection

with a failover server wherein the second portion of the field corresponds to the failover server [

col 16, lines 40-54].

29.   Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster

et al. [US Patent No 7,042,877], in view of Woodring et al. [US Patent Application No

2002/0191602].

30.   As per claim 24, Foster does not specifically disclose wherein establishing a VI further

comprises issuing a vi_connect command to a network node. Woodring discloses wherein

establishing a VI further comprises issuing a vi_connect command to a network node [i.e.

virtual interface architecture mapping] [paragraph 0018]. It would have been obvious to a

person skill in the art at the time the invention was made to combine the teaching of Foster and

Woodring because the teaching of Woodring would accomplish monitoring of information being

sent and/or received in a device and to address mapping in connections when monitoring

bidirectional datastreams in a Fibre Channel environment [Wooding, paragraph 0002].

31.   As per claim 26, Woodring discloses wherein disguising further comprises using a VI Application Program Interface (API) to make all packets look like FC packets [i.e. FC-VI] [paragraph 0118].

32.   A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

Art Unit 2154